

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Anthony Bernard Duckett,
Plaintiff,
-against-
P.O. Daniel Demarco (Shield # 3893),
Defendant.

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DATE FILED: 2/2/2024

1:23-cv-00228 (JGLC) (SDA)

ORDER

STEWART D. AARON, United States Magistrate Judge:

Recently, the Court's docket was updated to reflect that the Court received returned mail for Plaintiff Anthony Bernard Duckett ("Plaintiff") on January 30, 2024, regarding the Court's Order granting Defendant's motion to substitute an attorney (ECF No. 30) and January 31, 2024, regarding the Court's Order requiring the parties to file a joint status report (ECF No. 31). (See 1/30/23 Docket Entry; 1/31/23 Docket Entry.)

The Court *sua sponte* reviewed publicly available databases to locate Plaintiff's current contact information at both the New York City Department of Correction Inmate Lookup Service and the New York State Department of Corrections and Community Supervision Incarcerated Lookup websites. Upon review of those websites, Plaintiff is no longer incarcerated at Rikers Island, as provided on the docket; instead, it appears that Plaintiff's current address is:

Anthony Duckett
DIN: 23R2858
Ulster Correctional Facility
750 Berme Road
P.O. Box 800
Napanoch, New York 12458-0800

Despite the Court's efforts, the Court reminds Plaintiff that it is his responsibility to comply with Court Orders and "diligently prosecute his case." *Murray v. Bouck*, No. 19-CV-00317

(MKV), 2020 WL 6381935, at *3 (S.D.N.Y. Oct. 30, 2020) (citing cases). Moreover, the “duty to inform the Court and defendants of any changes of address is an obligation that rests with all pro se plaintiffs[.]” *Reyes v. NY F&B Servs. LLC*, No. 15-CV-02882 (DCF), 2016 WL 3826283, at *1 n.1 (S.D.N.Y. July 12, 2016) (internal quotation marks and citation omitted). Failure to do so is grounds for dismissal under Rule 41(b) of the Federal Rule of Civil Procedure. *See, e.g., Terry v. City of New York*, No. 20-CV-00081 (ER), 2020 WL 5913409, at *2 (S.D.N.Y. Oct. 6, 2020) (“Whether Plaintiff actually received the Court’s orders is inconsequential, as it remained his duty to diligently pursue his case and to inform this Court’s Pro Se Office of any change of address.”) (internal quotation marks and citation omitted).

Accordingly, if Plaintiff fails to apprise this Court of any further changes to his contact information, I may recommend to District Judge Clarke that this action be dismissed without prejudice for failure to prosecute. See Fed. R. Civ. P. 41(b).

The Court respectfully requests the Clerk of Court to update the docket to reflect Plaintiff’s address as set forth above and re-mail the Court’s Orders at ECF No. 30 and ECF No. 31. Additionally, in an abundance of caution, the Court asks the Clerk of Court to also re-mail the Court’s Orders at ECF No. 33 and ECF No. 35.

SO ORDERED.

Dated: New York, New York
 February 2, 2024



STEWART D. AARON
United States Magistrate Judge